

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C-02-1486 CW (EDL)

**ORDER FOLLOWING MAY 10, 2006
DISCOVERY CONFERENCE**

This document relates to ALL ACTIONS
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On May 10, 2006, the Court held a discovery conference in this case. For the reasons stated at the hearing, the Court issues the following Order:

1. As proposed by Defendants JDSU, it shall produce to Lead Plaintiff Flash reports, Opcom reports and spreadsheets, graphs and charts contained in Board presentations in native format no later than June 9, 2006. Lead Plaintiff shall identify to Defendants JDSU specific additional spreadsheets, charts and graphs that it believes warrant production in native format on a rolling basis. The parties shall meet and confer within ten days regarding Lead Plaintiff's requests, unless a holiday, court deadline, court appearance or deposition is scheduled during those ten days, then Defendants JDSU shall respond within twenty days. If Lead Plaintiff's requests for specific additional documents results in an extraordinarily large production, the parties should discuss cost-sharing.
2. In the Court's April 25, 2006 Order, the Court ordered Defendants JDSU to "provide Plaintiffs a list identifying by location where kept in the ordinary course of business and, to the extent possible, the size, date and content of the back up tapes that have not been restored." Apr. 25, 2006 Order at 3:1-3. The Court clarifies the Order as follows.

Defendants JDSU shall provide any existing inventories or lists of back up tapes identifying the contents of the tapes or information, if any, contained on labels on the tapes. Defendants JDSU shall also provide any existing inventory of tapes made at the time of the tapes' preservation. Defendants JDSU shall also provide information sufficient to show the maximum data capacity of the tapes. Defendants JDSU shall provide this information no later than May 25, 2006. In addition, Defendants JDSU shall also provide Lead Plaintiff with a list identifying at which JDSU site each witness named by Lead Plaintiff in its May 8, 2006 Supplement to the Joint Discovery Conference Statement was located. Defendants JDSU shall comply with this paragraph no later than June 12, 2006.

3. Defendants JDSU's request for an extension of time until June 28, 2006 to complete its search of tapes from the San Jose corporate office that may contain e-mail from Kevin Kalkhoven and to produce all responsive, non-privileged documents to Lead Plaintiff at Defendants JDSU's expense is granted. No later than June 12, 2006, Defendants JDSU shall indicate to Lead Plaintiff which of the witnesses listed in its May 8, 2006 Supplement to the Joint Discovery Conference Statement are located on these tapes. No later than June 12, 2006, Defendants JDSU shall identify the type of tapes and maximum amount of data that might be included on the back up tapes from the San Jose Corporate office.

4. As proposed by Defendants JDSU, it shall search its active electronic data and produce all responsive non-privileged e-mail from the accounts of the thirteen people out of the twenty-three people listed by Lead Plaintiff on page 19, n. 13 of the May 3, 2006 Joint Discovery Conference Statement in connection with the Redbook e-mail who were employed by JDSU when this lawsuit was filed. Defendants JDSU shall comply with this order no later than July 17, 2006.

5. Lead Plaintiff shall provide to Defendants JDSU, or confirm prior communications in which the information has been provided, complete copies of all non-party subpoenas that Lead Plaintiff has served to date, a complete and accurate list of those subpoenas and all copies of documents received in response to the subpoenas. Lead Plaintiff shall comply with this Order no later than May 18, 2006.

- 1 6. The parties shall meet and confer regarding deposition scheduling. Except in the most
2 extraordinary circumstances, the parties shall not schedule depositions on religious or
3 national holidays. The parties shall make good faith efforts to cluster depositions
4 geographically.
- 5 7. Defendants JDSU shall search the documents that it has produced in this litigation for non-
6 confidential press releases, company-wide e-mails and SEC documents Defendants
7 previously designated as confidential, and shall de-designate those documents that are not
8 confidential. No later than June 7, 2006, Lead Plaintiff shall provide Defendants JDSU with
9 a list of other categories of documents that Lead Plaintiff believes Defendants JDSU has
10 incorrectly designated as confidential. No later than June 21, 2006, the parties shall meet and
11 confer regarding Lead Plaintiff's proposed categories for de-designation.
- 12 8. No later than May 16, 2006, Lead Plaintiff shall identify up to ten JDSU customers for which
13 it seeks confidentiality agreements, and Defendants JDSU shall produce those agreements no
14 later than May 31, 2006.
- 15 9. The Court has already determined that Thomas Pitre has information relevant to this lawsuit.
- 16 10. Defendants JDSU will bear the cost of providing the load files with metadata for the
17 documents already produced through Applied Discovery, and Lead Plaintiff will provide the
18 hard drives.
- 19 11. The parties shall exchange proposed deposition schedules no later than June 28, 2006. Only
20 depositions that have already been planned to take place before June 28, 2006 may do so,
21 absent extraordinary circumstances.
- 22 12. The parties shall meet and confer, if necessary, regarding Defendant Kalkhoven's production
23 of trading history.
- 24 13. As agreed by the parties, Lead Plaintiff shall provide a list regarding the documents,
25 including the form of the documents, that it preserved for this litigation.
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14. The pretrial and trial dates are revised as follows:

Fact discovery cutoff, except for depositions and other discovery arising from new information obtained at depositions	9/29/06
Cutoff date of additional period to complete depositions and conduct any other discovery arising from new information obtained at the depositions	12/1/06
Disclosures of experts and expert reports	1/8/07
Disclosure of rebuttal experts and rebuttal reports	2/5/07
Expert discovery cutoff date	3/19/07
Last day to file summary judgment motions	4/13/07
Oppositions to summary judgment due; Cross-motions for summary judgment due	5/11/07
Reply briefs in support of summary judgment due; Oppositions to Cross-motions due	5/25/07
Reply briefs in support of Cross-motions due	6/1/07
Summary judgment hearing date and further case management conference	6/22/07
Pretrial conference	9/14/07
Trial	10/1/07

IT IS SO ORDERED.

Dated: May 18, 2006

Elizabeth D. Laporte
 ELIZABETH D. LAPORTE
 United States Magistrate Judge